



House of Representatives

File No. 589

General Assembly

February Session, 2002

(Reprint of File No. 133)

House Bill No. 5525
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 27, 2002

**AN ACT CONCERNING EXPERIMENTAL DRUG USE BY PERSONS
WITH MENTAL RETARDATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 45a-677 of the general statutes, as
2 amended by section 3 of public act 01-140, is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2002*):

4 (e) A plenary guardian or limited guardian of a mentally retarded
5 person shall not have the power or authority: (1) To cause the ward to
6 be admitted to any institution for treatment of the mentally ill, except
7 in accordance with the provisions of sections 17a-75 to 17a-83,
8 inclusive, 17a-456 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive,
9 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, 17a-615 to
10 17a-618, inclusive, and 17a-621 to 17a-664, inclusive, and chapter 420b;
11 (2) to cause the ward to be admitted to any training school or other
12 facility provided for the care and training of the mentally retarded if
13 there is a conflict concerning such admission between the guardian
14 and the mentally retarded person or next of kin, except in accordance
15 with the provisions of sections 17a-274 and 17a-275; (3) to consent on

16 behalf of the ward to a sterilization, except in accordance with the
17 provisions of sections 45a-690 to 45a-700, inclusive; (4) to consent on
18 behalf of the ward to psychosurgery, except in accordance with the
19 provisions of section 17a-543; (5) to consent on behalf of the ward to
20 the termination of the ward's parental rights, except in accordance
21 with the provisions of sections 45a-706 to 45a-709, inclusive, 45a-715 to
22 45a-718, inclusive, 45a-724 to 45a-737, inclusive, and 45a-743 to 45a-
23 757, inclusive; (6) to consent on behalf of the ward to the performance
24 of any experimental biomedical or behavioral medical procedure or
25 participation in any biomedical or behavioral experiment, unless it is
26 (A) intended to preserve the life or prevent serious impairment of the
27 physical health of the ward, [or] (B) it is intended to assist the ward to
28 regain the ward's abilities and has been approved for the ward by the
29 court, or (C) has been (i) approved by a recognized institutional review
30 board, as defined by 45 CFR 46, 21 CFR 50 and 21 CFR 56, as amended
31 from time to time, and which is not a part of the Department of Mental
32 Retardation, (ii) endorsed or supported by the Department of Mental
33 Retardation, and (iii) approved for the ward by such ward's primary
34 care physician; (7) to admit the ward to any residential facility
35 operated by an organization by whom such guardian is employed,
36 except in accordance with the provisions of section 17a-274; (8) to
37 prohibit the marriage or divorce of the ward; and (9) to consent on
38 behalf of the ward to an abortion or removal of a body organ, except in
39 accordance with applicable statutory procedures when necessary to
40 preserve the life or prevent serious impairment of the physical or
41 mental health of the ward.

This act shall take effect as follows:	
Section 1	October 1, 2002

OLR Amended Bill Analysis

HB 5525 (as amended by House "A")*

AN ACT CONCERNING EXPERIMENTAL DRUG USE BY PERSONS WITH MENTAL RETARDATION**SUMMARY:**

By law, a plenary or limited guardian of a mentally retarded person cannot consent, on behalf of the person, to any experimental biomedical or behavioral medical procedure or participation in any biomedical or behavioral experiment unless it is intended to (1) preserve the person's life or prevent serious health impairment or (2) assist him in regaining his abilities and is approved by the Probate Court.

This bill also allows such procedures or experiments if they have been (1) approved by a recognized institutional review board, as defined in federal law, that is not part of the Department of Mental Retardation (DMR), (2) endorsed or supported by DMR, and (3) approved for the person by his primary care physician.

*House Amendment "A" replaces the original bill (File 133) which directed DMR to establish a pilot program allowing a guardian to approve experimental drug use for a person with mental retardation.

EFFECTIVE DATE: October 1, 2002

COMMITTEE ACTION

Public Health Committee

Joint Favorable Report

Yea 25 Nay 0